

Receipt  
\$15  
\$15

Docket No. MBI-0022

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Keddie, James et al.

Title: **GENES FOR MODIFYING PLANT TRAITS**

Serial No.: 09/713,994 Filing date: 16 November 2000

Examiner: Kruse, David H. Group Art Unit: 1638

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**REQUEST FOR CORRECTED FILING RECEIPT**

Dear Sir:

Applicants request a Corrected Filing Receipt for the instant application. The reasons include:

1. The Filing Receipt for the present application, Serial No.: 09/713,994, (copy attached) dated 11/16/2001, states:

**Domestic Priority data as claimed by applicant**

THIS APPLN CLAIMS BENEFIT OF 60/166,228 11/17/1999

AND CLAIMS BENEFIT OF 60/197,899 04/17/2000

2. On page 1 of present application (copy attached), the benefit of three, rather than two, prior filed applications was claimed, as noted below:

**RELATED APPLICATION INFORMATION**

The present invention claims the benefit from US Provisional Patent Application Serial Nos. 60/166,228 filed November 17, 1999 and 60/197,899 filed April 17, 2000 and "Plant Trait Modification III" filed August 22, 2000.

09/713,994

At the time the present application was filed, the application number of the third prior filed application was not yet known, but the latter had been identified by name and filing date.

3. The third prior-filed priority application was also identified at the time the present application was filed in the Sequence Listing (page 1, as " Plant Trait Modification III/2000-08-22"; copy attached):

4. After receiving the Filing Receipt and a Notice to File Missing Parts, both dated 11/16/2001 (copies attached), one year after initial filing, Applicants submitted executed declarations (copies attached). Each declaration also listed all three priority applications, with each identified by application number and filing date. A copy of the executed declarations is attached.

5. Applicants request that a corrected Filing Receipt be issued that shows as domestic priority data the three prior filed Provisional Applications:

60/166,228 11/17/1999

60/197,899 04/17/2000

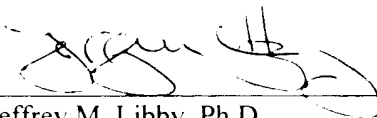
60/227,439 08/22/2000

6. Applicants believe that no fee is due for the request of this corrected Filing Receipt. However, if the Commissioner determines that a fee is due, the Commissioner is hereby authorized to charge such necessary fee to Mendel Biotechnology, Inc. Deposit Account No. 50-1025. This form is enclosed in duplicate.

Respectfully submitted,

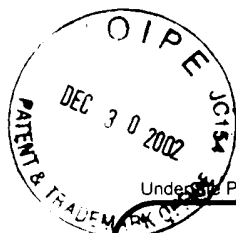
Date: 26 December, 2002

By:

  
Jeffrey M. Libby, Ph.D.  
Registration No. 48,251

Mendel Biotechnology, Inc.  
21375 Cabot Blvd.  
Hayward, California 94545  
Phone: (510) 259-6120  
Fax: (510) 264-0254

09/713,994



PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/713,994
Filing Date	11/16/2000
First Named Inventor	KEDDIE, James
Group Art Unit	1638
Examiner Name	D. H. Kruse

Total Number of Pages in This Submission

188

Attorney Docket Number

MBI-0022

TECH CENTER 1600/2900

JAN 08 2003

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**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Drawing(s) Fig. 1 and Fig. 2 <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard; Exhibits 1-3, A (17 pgs); Request For Corrected Filing Receipt (2 pgs; 2 pgs attachments); Courtesy Copy of Declaration (16 pgs); Copy of Filing Receipt Marked to Show Corrections (3 pgs); Substitute Sequence Listing (93 pgs)
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Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Mendel Biotechnology, Inc. Jeffrey M. Libby, Reg. No. 48251 21375 Cabot Blvd., Hayward, CA 94545
-------------------------------	--

Signature

Date

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

12/27/02

Typed or printed name

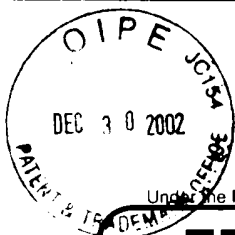
Jeffrey M. Libby

Signature

Date

Dec 27, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (10-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ ) 400.00

## Complete if Known

Application Number	09/713,994
Filing Date	November 16, 2000
First Named Inventor	KEDDIE, James
Examiner Name	Kruse, D. H.
Group Art Unit	1638
Attorney Docket No.	MBI-0022

TECH CENTER 1600 2900

JAN 0 8 2001

RECEIVED

## METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number: 50-1025
- Deposit Account Name: Mendel Biotechnology, Inc.
- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	740	201 370	Utility filing fee	
106	330	206 165	Design filing fee	
107	510	207 255	Plant filing fee	
108	740	208 370	Reissue filing fee	
114	160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0.00

### 2. EXTRA CLAIM FEES

Total Claims: 12 -20\*\* = 0 x 0.00 = 0.00

Independent Claims: 8 -3\*\* = 0 x 0.00 = 0.00

Multiple Dependent: 0.00 = 0.00

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103	18	203 9	Claims in excess of 20	
102	84	202 42	Independent claims in excess of 3	
104	280	204 140	Multiple dependent claim, if not paid	
109	84	209 42	** Reissue independent claims over original patent	
110	18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65	Surcharge - late filing fee or oath	
127	50	227 25	Surcharge - late provisional filing fee or cover sheet	
139	130	139 130	Non-English specification	
147	2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112 920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115	110	215 55	Extension for reply within first month	400.00
116	400	216 200	Extension for reply within second month	
117	920	217 460	Extension for reply within third month	
118	1,440	218 720	Extension for reply within fourth month	
128	1,960	228 980	Extension for reply within fifth month	
119	320	219 160	Notice of Appeal	
120	320	220 160	Filing a brief in support of an appeal	
121	280	221 140	Request for oral hearing	
138	1,510	138 1,510	Petition to institute a public use proceeding	
140	110	240 55	Petition to revive - unavoidable	
141	1,280	241 640	Petition to revive - unintentional	
142	1,280	242 640	Utility issue fee (or reissue)	
143	460	243 230	Design issue fee	
144	620	244 310	Plant issue fee	
122	130	122 130	Petitions to the Commissioner	
123	50	123 50	Processing fee under 37 CFR 1.17(q)	
126	180	126 180	Submission of Information Disclosure Stmt	
581	40	581 40	Recording each patent assignment per property (times number of properties)	
146	740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279 370	Request for Continued Examination (RCE)	
169	900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 400.00

## SUBMITTED BY

Name (Print/Type)	Jeffrey M. Libby, Ph.D.	Registration No. (Attorney/Agent)	48,251	Telephone	(510) 259-6138
Signature		Date	Dec 27, 2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/713,994	11/16/2000	1638	391	MBI-0022	7	24	3

23678  
Karen Guerrero  
Mendel Biotechnology, Inc.  
21375 Cabot Blvd.  
Hayward, CA 94545



CONFIRMATION NO. 7536

## FILING RECEIPT



\*OC000000007083840\*

Date Mailed: 11/16/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

*James*  
Keddie, Residence Not Provided; *4550 San Mateo, CA*  
*Greelman, Robert, Castro Valley, CA*  
*Yic, Cao-Kuang, Berkeley CA*

## Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/166,228 11/17/1999

AND CLAIMS BENEFIT OF 60/197,899 04/17/2000

AND CLAIMS BENEFIT OF 60/227,434 08/22/2000

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## Foreign Applications

JAN 08 2003

If Required, Foreign Filing License Granted 11/16/2001

TECH CENTER 1600/290

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Genes for modifying plant traits

## Preliminary Class

800

Application No.

09/713,994

Filing Date

11/16/2000

Atty Docket No.

MBI-0022

(Continuation of names of Applicants for corrected Filing Receipt)

Adam Lee Hayward, CA  
Riechmann, Jesse Luis, Oakland, CA  
Heard, Tadeu Line, San Mateo, CA  
Samaha, Raymond, Capitola, CA  
Pittman, Marsha, Fremont, CA  
Pineau, Cmaira, Vero Beach, FL  
Jiang, Dai-Zhong, Fremont, CA  
Ratcliffe, Oliver, Oakland, CA  
Reuber, Lynne, San Mateo, CA

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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